

JUN 18 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

GERARD RAFOLS SAPADEN,

Petitioner - Appellant

v.

IMMIGRATION AND
NATURALIZATION SERVICE;
THOMAS SCHILTGEN, District
Director of INS; JAMES W. ZIGLAR*,
Commissioner of the INS; JOHN
ASHCROFT**, Attorney General;
LEONARD KOVENSKY, Assistant
District Director of Deportation and
Detention of the INS; UNNAMED
DEPORTATION OFFICER IN
CHARGE OF PETITIONER'S
DEPORTATION CASE,

Respondents - Appellees

No. 00-56063

D.C. No. CV-00-00052-FMC

MEMORANDUM***

Appeal from the United States District Court
for the Central District of California
Florence Marie Cooper, District Judge, Presiding

* James W. Ziglar is substituted for his predecessor, Doris Meissner, as Commissioner of the Immigration and Naturalization Service.

** John Ashcroft is substituted for his predecessor, Janet Reno, as Attorney General of the United States. Fed. R. App. P. 43(c)(2)

*** This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Circuit Rule 36-3.

Submitted December 7, 2001****
Pasadena, California

Before: PREGERSON, TASHIMA and BERZON, Circuit Judges.

This court's decision in *Taniguchi v. Schultz*, 303 F.3d 950 (9th Cir. 2002) controls this case and precludes the relief that Mr. Sapaden seeks.

AFFIRMED.

**** The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App P. 34(a)(2).